

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ALTICOR, INC.,

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA,

Defendant.

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Case No. 1:03-CV-350

Hon. Richard Alan Enslen

**PARTIAL JUDGMENT**

In accordance with the Opinion of this date;

**IT IS HEREBY ORDERED** that Plaintiff Alticor, Inc.'s Motion for Partial Summary Judgment (Dkt. No. 261) is **GRANTED** and Defendant National Union Fire Insurance Company of Pittsburgh, PA's Motion for Summary Judgment (Dkt. No. 258) is **DENIED**.

**IT IS FURTHER ORDERED** that partial judgment is entered in favor of Plaintiff and against Defendant, declaring as a matter of law that Defendant's duty to defend Plaintiff in the *Morrison* suit continued unabated after February 2, 2004 until its final resolution.

Dated in Kalamazoo, MI:  
February 17, 2006

/s/Richard Alan Enslen  
Richard Alan Enslen  
Senior United States District Judge